

United States District Court

FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION

United States District Court
Southern District of Texas
FILED

AUG 11 2008

Michael N. Milby
Clerk of Court

ALVARO SANCHEZ #058026

*
*
*
*

(Enter above the full name of the
plaintiff or plaintiffs in this action.)

V.s.

CIVIL ACTION NO. _____

Omar Lucio Sheriff, Cameron County, Inofficial and, personally B121?
Dean GANZA R.N., Mauro De la Fuente Individual, capacity
Rigo Rivera, M. Garcia F. Moreno (F) D.A. Ammerman
Herman Garcia Lt. Flores Lt. Gorker ET AL

(Enter above the full name of the
defendant or defendants in this action.) I'm not proud to that

Omar lucio is sheriff of Cameron County and responsible for staff. D.A. Ammerman is for Cameron County.

COMPLAINT FOR VIOLATION OF CIVIL RIGHTS PURSUANT TO 42 US 1983

(For Use in Prisoner Litigation)

NOTE: The Clerk will not file your complaint unless it conforms to these forms and the instructions for filing which you were provided. Consult the instructions as you prepare your complaint.

DO NOT leave blanks on these forms. If an item is not applicable, state so or write "N/A" Be aware that you may be subject to penalties or sanctions by the Court (such as dismissal and assessment costs) for perjury.

I. PREVIOUS LAWSUITS

A. Have you begun other lawsuits in state or federal court dealing with the same or similar facts involved in this action? Yes [] No [X]

B. Have you begun other lawsuits in state or federal court relating to your conditions of confinement? Yes [] No [X]

C. If your answer to A or B is yes, describe each lawsuit in the space below. (If there is more than lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

1. Parties to this previous lawsuit

Plaintiffs: N/A

Defendants: N/A

Item C.

1. Court (if federal court, name the district; if state court, name the county): N/A
2. Docket number: N/A
3. Name of Judge to whom case was assigned: N/A
4. Disposition (for example: was the case dismissed? Was it appealed? Is it still pending?) N/A
5. Approximate date of filing lawsuit: N/A
6. Approximate date of disposition: N/A

Use additional page(s) for other lawsuits. Provide the same type of information as you did above for each.

II. PLACE OR INSTITUTION WHERE THIS COMPLAINT OCCURED: Carrizales Rucker
7100 OLD ALICE RD, Del Rio TX 78840

A. Is there a prisoner grievance procedure in this institution?

Yes ☒ No ☐ N/A ☐ Asked for grievances with Inmate Requests and was sent none. Sent my own on Inmate Request + personal yellow sheets with no Result

B. Did you present the facts relating to your complaint in the state prisoner grievance procedure? Yes ☒ No ☐ nothing was returned.

C. If your answer is YES: I sent my own grievances and
 1. What steps did you take: asked for grievances with Inmate Requests
 2. What was the result? see A

D. If your answer is NO, explain why not: N/A

E. If you are an inmate in the Texas Department of Corrections and your complaint relates to your confinement there, have you interviewed with an attorney from the Inmate Legal Services Project of the State Bar of Texas? Yes ☐ No ☐

F. If your answer is NO, explain why not: N/A

III. Parties To This Lawsuit

A. Name of Plaintiff: ALVARO SANCHEZ
 Inmate Number: 058026
 Institution/Unit of Confinement: Carrizales - Rucker
 Address: 7100 OLD ALICE RD, OLMITO, TX 78575
ALICE

B. Additional Plaintiff(s) (If any). In this space, provide the same type of information as requested in "A" above.

N/A

C. Name of Defendant: OMAR LUCIO
 Official Position (employed as): Sheriff
 Place of Employment: Cameron County
 Address for service: 7300 OLD ALICE ROAD, OLD ALICE RD, OLMITO TX 78575

D. Additional Defendants (if any):
 Name of Defendant: DEAN GARZA
 Official Position (employed as): Registered Nurse / Head of Medical
 Place of Employment: Carrizales - Rucker
 Address for service: 7100 OLD ALICE RD, OLMITO TX 78575

Name of Defendant: Mauro De LA Fuente
 Official Position (employed as): Classification
 Place of Employment: Carrizales - Rucker
 Address for service: 7100 OLD ALICE RD, OLMITO TX 78575

Use additional page to list other defendants. Provide the same type of information as you did above for each.

Denied law library Access, put safety In danger

IV. Statement of Claim WAS Injured And Received no
medical attention for Injuries. Personal & property, mental
 State here as briefly as possible the facts of your case. Describe how each defendant is involved. Include also the names of other persons involved, dates, and places. Do not give any legal arguments or cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. (Use as much space as you need. Attach extra sheets if necessary.)

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III D. Additional Defendants continued
 Mauro De la Fuente
 OFFICIAL POSITION (E. A.) Classification
 Place of Employment 7100 Old Alice Rd, Olmito Tx 78575

Name of Def. Rigo Rivera
 OFFICIAL POSITION (E. A.) Classification
 Place of Employment 7100 Old Alice Rd, Olmito Tx 78575

Name of Defendant. M. Garcia last name
 OFFICIAL POSITION Corporal Corrections OFFICER (Guard)
 Place of Employment 7100 Old Alice Rd, Olmito Tx 78575

Name of Defendant F. Moreno last name
 OFFICIAL POSITION COARCTIONS OFFICER (Guard)
 Place of Employment 7100

Name of Defendant 1st name Herman Garcia
 OFFICIAL POSITION C.O. Herman (Guard)
 Place of Employment 7100 Old Alice Rd, Olmito Tx 78575

Name of Defendant Et. AL ? Ammermon D.A.
 OFFICIAL POSITION District Attorney
 Place of Employment Cameron County Court House
 Harrison Brunswick Tx 78520

~~A. of D. Et AL Lt. Flores~~

~~O.P.~~

~~P.E.~~

See next page
 Cameron County, Tx. I'm running out of paper.

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III Additional Defendants continued

Name of Defendant Lt. Flores

OFFICIAL POSITION Lieutenant Carrizales-Rucker Unit

Place of Employment 7100 Old Alice Rd. ^{Ulimito} Tx 78575

Name of Defendant Lt. Carter

OFFICIAL POSITION Lieutenant Carrizales-Rucker

Place of Employment: 7100 Old Alice Rd, Ulimito Tx 78575

Statement of Claim continued p 1
 Omar Lucio - Mauro de la Fuente, Rigo Rivera and
 others After leaving Delta-2 (D-2) for fear of my
 safety due to direct threats and having seen inmate
 get beaten by 10 Gang members June-08 Check Records
 For supposedly stealing a Tinger (1) of (3) partries. Through
 one inmate had given him brownies earlier that they use as
 a offer to some want to be saint. When you are in a cell of
 22 and 17 are gang members and 5 are ^{NO-GANG AFFILIATION} Solanes. The
 17 will mistreat the 5 to say the least. The Gang
 members tell Booking officers there membership or
 affiliations most of the time. Why not just put them
 all together as in other County Jails? I'm not trying
 to run the system just do my time. This is worse than
 T.D.C.J. Classification. Note these are all Hispanic men.
 The 95% majority that is. After moving out of D-2
 I spent Seven days in holding From about 6-26-08
 to 7-3-08 I was told to get ready ^{Friday night} 6-27-08 to
 move to another tank but I asked C.O. F. Moreno if
 He knew who was running the tank he stated he didn't
 know and that if I was some sort of "chicken" to put it
 mildly. I simply stated I was trying to avoid fights
 at all costs because I ^{of} spend Restitution ctr. status
 knowing I'd more than likely end up in a Valluco tank
 I denied going as there would surely be a ^{lo} sighted
 fight due to a 1 to who knows how many disadvantage.
 They knowingly admit not fighting 1 to 1. All there action
 are told to go with at least 5 behind them. F. Moreno
 then proceeded to jerk me by the arm not saying

Statement of Claim

P (2)

put your hands behind your back but trying to manhandle me all the way to the cell (B-2 or such.) He told H. Garcia to get my stuff he'd take me there. He had thrown the previous inmate against the metal opening and put him in holding or transport. He then attempted to twist my arm and I held firm angering F. Moreno who then proceeded to take his mace can and was about to spray me when I told him to hold up and covered my face, at this time nurse J. Romero was approaching from around the corner Infirmary. He quickly put the mace away and then we past Rank Cpl. Garcia (J. Romero will attest I had no mattress blanket cup towel etc in my hands.) I quickly explained my situation to Rt. Ctr. Cpl. Garcia who had me taken transport cell by myself. All the while C.O. F. Moreno insulted me with profanities. At about 10:30 pm or so H. Garcia told me to wake up I was already asleep on the concrete (Holding and Transport are nothing but concrete you get 4 breads ^{20 hrs} 2 slices of cheese to PNB 3 milk and a blanket) ~~the blanket~~ Since no Blanket was given to me I thought H. Garcia was going to take me to go get a Blanket Instead He took me up front and put me in Holding with about 12 Unclassified offenders inmates etc. Under whos orders I don't know. Standard operating Procedure? It was Friday night and no chains go through transport and there were others in single cells and there were empty cells. Friday, Saturday nights especially before July 4 are notorious for bringing rowdy people. Upon arrival I found a place on the floor and noticed an individual who

Statement of Claim continued P. 3
 who seemed to be using sign language, commonly used here by inmates (and guards) and I thought he was doing so to someone at the front of the cell. Being tired and thinking this over probably on something I went to sleep or tried to anyway. When breakfast came around we ate ~~and~~ I had found a place on the Concrete Bench. The ^{Unknown} Individual finished eating and laid back down to go to sleep. Being in close quarters people right next to each other I was about 1 foot from his head when he then after being fully stretched out even turned or switched with his head to the corner wall or 1 foot away and his feet and dirty sandals touching my side. I respectfully asked him 3 times to move his feet even using a roll of Toilet Paper to move them. After the 3rd ~~time~~ time I got ~~up~~ he jumped up and we started fighting. Well after the 3rd time he started rubbing his shoes on my Ben. Farm t-shirt and I thought he was going to kick me. He was clearly disrespecting me and provoked the altercation. This inmate was possibly drugged, unclassified as to mental status etc. I subdued inmate but in doing so broke a bone on my right hand it wasn't until Monday they hired Mobile Imaging to x-ray my hand / x-ray Weds Dr Garza recommended a specialist, later more x-rays were taken to satisfy Dean Garza who asked me to get \$200 from my family to pay. There is a 28 co-pay here for treatment. Nevertheless I got The money.

Statement of Claim continued.

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Today is August 2nd 8: P.M 2008. I have not received any type of Medical attention other than x-rays, a wrap, and Heat rub, Over 5 weeks. I released the money from my commissary Signed under duress, see card. Medical Dept. Run by Dean Garea has decided to run things like this. I pressed charges on Individuals and received no disciplinary actions or charges for fight. I did not provoke fight and defended myself. Classification dept or Policies, Cameron County are directly responsible, I have had no other fights to speak of. I injured my foot getting off a top bunk while favoring my right hand. X-rays were never shown to Dr or at least I didn't hear anything but it was this injury that finally got me a bottom bunk assignment which caused my troubles in A-3. Twice I was taken to a clinic near U.B.M.C but 1st Medical did not send my x-rays, 2nd time clinic refused to see me after asking me how long ago the incident happened. Medical still has my money. I am now trying to get some legal help through a Writ of Habeas I put together citing why I am illegally restrained/confined here and none of this should have ever happened. I'll attach Copy, or send one as soon as I buy more paper, stamps etc.

D.A. Ammerman I feel is directly/Indirectly responsible for my confinement/restraint past Judge's stated time. P.D. etc. See Writ.

Omar Lucio's policies/standard operating procedures have him as being directly/Indirectly responsible. Lt. Flores and Lt. Corcoran are responsible for not answering law library request and denying the one they did based on assumptions, I have more than 1 case including these. Furthermore all of the above never answered any of my grievances!

Statement of Claims Cont. P. 5
 Sheriff's Property Dept also stole several items and threw
 away legal addresses and phone numbers. I sent I.R. to
 Lt.'s (copy of list of stolen items) ~~_____~~
~~_____~~ I had made copy, here what
 I remember, 1 Bag coffee, 2 tubes of tooth paste
 1 Peppermint, 1 ultra brite, 1 T-shirt 1-Boxer
 (lg) 3 Individual packs of saltine crackers. ~~6 stamps~~
~~and envelopes~~... 1 Deodorant 3/4 full
 Approx ~~Value~~ Value \$20

7-29-08 Sent Writ of Habeas 1 to my Father
 who did not receive it 2nd to State District Clerk (of 357)
 who did not receive it or did not respond. Will try and
 present 1 to 103rd Dist 8-08-08 C.S. court. Had court date
 8-04-08 and both papers Writ + Motion to amend @ 357 but was
 again reset. I should already have enough time. Will send
 letter to sheriff dept next door when I can. No medical as of
 8-6-08 will wait til 8-08-08

Today is 8-7-08 waited to see if I won't go to
 Dr for Broken bone. My money has not been
 returned to commissary and tomorrow I have child
 support court that I should already be out
 working and paying 45 of 3 months ago. System
 here is wrong regardless Saturday will be 6 weeks
 since Broken bone which was a direct result of
 my being placed in jeopardy. It has been more than
 enough time. Now I fear this will be a major operation
 instead of just resetting. At Emergency

Additional space for "Statement of Claim": Omar Lucio In charge of County Jail Administration, Policies Standard operating procedures etc. Mauro De la Fuente, B.S. Rigo Rivera Classification workers, initially put me in Protective Custody Pod (24 men cell) without me asking for P.C. then took me out of P.C. put me in "Population" under duress eventually put in cell with 17 known prison gang members D-2. Population does not look "favorably" on inmates that have been in P.C. After 1 month of threats etc I left when I went to a Blood Pressure check. I have done time before and didn't realize type of "Population" Classification meant. I was told by inmates I would eventually be disciplined if I violated their rules and already had 3 infractions which were no way related to County Rules (not that there was a rule book in cell). These were made to order by Inmates. Omar Lucio and Staff knows this tanks are run this way. Cpl M. Garcia was made know of this by disciplinary off at this time. [ON 7-27-08 Sgt Treviño stated we run the outside of the cell THE inmates run the inside while moving me to a single cell after inmates wouldn't let me keep Bottom Bunk assigned only a week earlier for medical reasons. From A3-C2 P.C.] Staff that assigns Housing is

V. Relief

State briefly exactly what you want the court to do for you. Make no legal arguments. Cite no cases or statutes.

Help get me medical attention. Have County
Compensate any medical expenses I incur
Help me be able or others to attend Law Library
and not be subject to dangerous ^{confined} conditions beyond the
norm. Not have property dept. personnel / inmates steal or remove
Items trash etc. Any appropriate compensation the law justifies.
To be classified with similar individuals

VI. VERIFICATION (Must be provided by each plaintiff.)

I declare under penalty of perjury that the foregoing is true and correct.

Executed on August 3, 2008
(date)

Alvaro Sanchez
(Signature of Plaintiff)

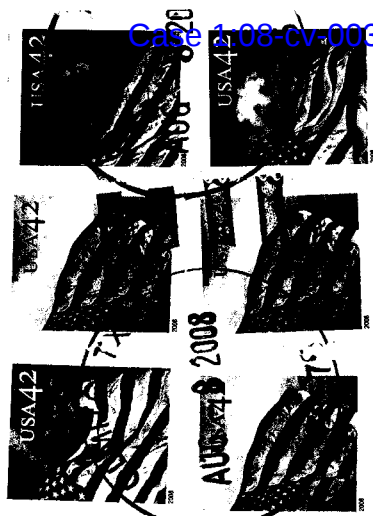
Ans
10 sheets
in complaint

ALVARO Sanchez
Cameron County Det. Center
058026, C-1 155
7100 OLD ALICE ROAD
OLMITO, TX 78575

SCREENED
U.S. DEPT. OF JUSTICE
United States Courts
District of Texas
Southern
FILED

AUG 11 2008

Michael N. Milby, Clerk



CLERK of the U.S. Dist. Ct. Hous

P.O. Box 61010

11. 1. 8

Sir/Mam,
I have no way of making copies if application
to proceed in Forma Pauperis does ~~not~~ not
work for me. Please send these papers back
to address: ALVARO Sanchez

United States District Court
Southern District of Texas
FILED

AUG 11 2008

Michael N. Milby
Clerk of Court

1206 W. BASIN
HARLINGEN TX 78550

or if I am released, re located, etc.

There are 3 principle dependants, Cameron
County, Cameron County Sheriff Dinar Lucio,
~~Cameron~~ Cameron County Dist attn — Ammermon
who may ~~not~~ be responsible for the jail here
but is responsible for the length of time here.
So everybody else works for the Sheriff's
Dept as I understand this. Thank you for
your help. I declare this true under penalty of
perjury
Alvaro Sanchez 058026
Alvaro Sanchez 8-7-08